

JACQUELINE M. JAMES, ESQ.

THE JAMES LAW FIRM
 445 HAMILTON AVENUE
 SUITE 1102
 WHITE PLAINS, NY 10601

T: (914) 358 6423
 F: (914) 358 6424
 JJAMES@JACQUELINEJAMESLAW.COM
 JACQUELINEJAMESLAW.COM

January 31, 2025

The Honorable Colleen Mc Mahon
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street
 New York, NY 10007-1312

Re: 1:24-cv-08973-CM; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service and to Adjourn the Initial Pretrial Conference Scheduled for February 6, 2025 at 10:00 a.m.

Dear Judge McMahon,

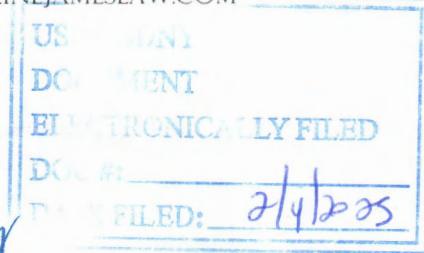
The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe and for an adjournment of the Initial Pretrial Conference currently scheduled for February 6, 2025 at 10:00 a.m. and for the resetting of all proposed scheduling deadlines until after the Defendant has been named and served.

On November 23, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 68.129.246.61 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol.

Because Defendant is only known to Plaintiff by Defendant's IP address, on December 16, 2024, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP.

On December 18, 2024, the Court granted Plaintiff leave to serve a third-party subpoena on Defendant's ISP to obtain the Defendant's identifying information. Plaintiff issued the subpoena on or about December 19, 2024, and, in accordance with the time allowances provided to both the subscriber and the ISP, expected to receive the ISP response on or about January 27, 2025.

As of the date of this filing, Plaintiff has not yet received the subpoena response but will follow up with the ISP regarding the overdue response.



On November 25, 2024, the Court entered an Initial Case Management Conference Order setting the Initial Conference for February 6, 2025 at 10:00 a.m. Prior to the Initial Case Management Conference, the parties are required to confer and submit to the Court a proposed Case Management Statement.

Because Plaintiff has not yet received the ISP response and Defendant's identity is currently unknown to Plaintiff, Plaintiff is unable to anticipate the specific information required in the proposed Case Management Statement, including issues such as timing, electronic discovery, or even whether Plaintiff will ultimately proceed against Defendant.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than February 21, 2025. Plaintiff respectfully requests that the deadline to effect service be extended for an additional forty (40) days, and thus the deadline to effect service be extended to April 2, 2025.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended to April 2, 2025, and the Initial Pretrial Conference currently scheduled for February 6, 2025 is adjourned until after the Defendant has been served with the summons and Amended Complaint.

Respectfully Submitted,

By: /s/Jacqueline M. James
Jacqueline M. James, Esq. (1845)
The James Law Firm, PLLC
445 Hamilton Avenue, Suite 1102
White Plains, New York 10601
T: 914-358-6423
F: 914-358-6424
jjames@jacquelinejameslaw.com